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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,680	05/22/2001	Rodolfo-Octavio Rodriguez-Siller	205 165	3088

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Abelman Frayne & Schwab  
150 East 42nd Street  
New York, NY 10017-5612

EXAMINER

LOPEZ, CARLOS N

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 05/09/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/856,680

Applicant(s)

RODRIGUEZ-SILLER, RODOLFO  
OCTAVIO

Examiner

Carlos Lopez

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-- Th MAILING DATE of this communication appears on th cover sheet with th correspondenc address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1 ☒ Certified copies of the priority documents have been received.
- 2 ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
- 3 ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

***Drawings***

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Frame F referred in page 11 line 23. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

In claim 1, "the frame" lacks antecedent basis.

In claim 3, "the control system", "the inverter", "the motor", "the cooling air", "the variable" and "the process" lack antecedent basis. Additionally it is unclear to what process is being referred to in claim 3.

In claim 5, "the cooling air" and "the inverter" lack antecedent basis.

In claim 6, "the suction of discharge of air of the cooling apparatus" lacks antecedent basis.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's Admitted Prior Art (APA). The specification in page 10-11 and figure 1, discloses a forming sections Z1-Z4 having cooling apparatuses V1-V4 for each forming section.

As for claim 2, turning on or off the fans V1-V4 is deemed as a control system that controls the speed of the fan motor.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Garcia et al (4,654,066). Garcia discloses an electronic system to control cooling of molds in glassware (abstract). The glassware-forming machine has a cooling apparatus having a fan (1) blowing air into the main duct (2) that is subdivided into secondary duct (3)

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wherein it is then divided into cooling ducts (4) for each forming section of the glassware machine. It is inherent that the cooling apparatuses (deemed as the cooling ducts 4) are coupled to the frame of the forming section in order to supply the cooling air from fan (1).

As for claim 2 reciting, "cooling apparatus is a fan driven motor comprising a control system which controls the speed of the motor", Garcia teaches that the speed of the fan (1) may be controlled through an actuator (11) (deemed as the claimed control system).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia et al (4,654,066) as applied to claims 1-2 above in view of McCreery (US 4,104,046) and in further view of Suzuki (US 5,593,608). Garcia is silent disclosing a control system that includes a sensor to determine the temperature of the mold. However, as taught by McCreery (Column 5 lines 30-41), having a temperature sensing means to determine the temperature of the mold for which to control the supplied cooling gas provides for the pressing portions of the forming units to operate at a controlled temperature that results in manufactured uniform quality glassware. Additionally while McCreery is silent disclosing the claimed means to control the fans

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supplying cooling gas, the Examiner takes Official Notice in view of the Suzuki teaching (See Column 12 lines 6-20) of controlling the inverter of a fan to thus control the rotational speed of the fan are well known means for controlling the flow and pressure of a fan. Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include with Garcia's mold cooling system the closed loop temperature control system of McCreery having a temperature sensor determining the temperature of the mold and in view of the Official Notice taken, as evidenced by Suzuki, teaching of controlling the fan through the inverter to thus provide a manufactured uniform quality glassware.

In regards to claim 4, the term "temperature sensor" encompasses the claimed optic, infrared and thermocouple temperature sensors.

In regards to claims 5, Examiner takes official notice that pre-cooling air for which is to be used in cooling system increases the heat capacity of the air and thus obviating the need of a high mass flow rate of air that requires a high consumption of energy. As for claim 6, Examiner takes Official Notice that a water cooler or honeycomb cooling means are conventional means of cooling.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References C-L and N in PTO-892 have been cited to show the state of the art.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lopez whose telephone number is (703) 605-1174. The examiner can normally be reached on Mon.-Fri. 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (703) 308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

C.L  
May 6, 2003

  
JAMES DERRINGTON  
PRIMARY EXAMINER  
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